



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Adam G. Southam et al. Examiner: Donald L. Champagne

Serial No.: 09/659,664

Group Art Unit: 3622

Filed: September 12, 2000

Docket: 1399.001US1

For: SYSTEM FOR TRANSMITTING SYNDICATED PROGRAMS OVER THE  
INTERNET

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**APPEAL BRIEF UNDER 37 CFR § 41.37**

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Sir:

This Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on October 17, 2005, from the Final Rejection of claims 1-2 and 5-60 of the above-identified application, as set forth in the Final Office Action mailed on July 29, 2004.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of 250.00 which represents the requisite fee set forth in 37 C.F.R. § 41.2(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**TABLE OF CONTENTS**

|  | <u>Page</u> |
|--|-------------|
| <b><u>1. REAL PARTY IN INTEREST</u></b> .....                        | 2           |
| <b><u>3. RELATED APPEALS AND INTERFERENCES</u></b> .....             | 3           |
| <b><u>3. STATUS OF THE CLAIMS</u></b> .....                          | 4           |
| <b><u>4. STATUS OF AMENDMENTS</u></b> .....                          | 5           |
| <b><u>5. SUMMARY OF CLAIMED SUBJECT MATTER</u></b> .....             | 6           |
| <b><u>6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u></b> ..... | 8           |
| <b><u>7. ARGUMENT</u></b> .....                                      | 9           |
| <b><u>8. SUMMARY</u></b> .....                                       | 19          |
| <b><u>CLAIMS APPENDIX</u></b> .....                                  | 20          |
| <b><u>EVIDENCE APPENDIX</u></b> .....                                | 33          |
| <b><u>RELATED PROCEEDINGS APPENDIX</u></b> .....                     | 34          |

## **1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee, SYNDICAST CORPORATION.

## **2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

### **3. STATUS OF THE CLAIMS**

The present application was filed on September 12, 2000 with claims 1-50. In the First Office Action, mailed October 6, 2003, claims 1-50 were rejected. In a Response to this Office Action filed on April 9, 2004, claims 1, 3, 9, 19, 25, 26, 30, 39, 45, 47, 48 were amended and new claims 51-60 were added. No claims were cancelled. A Final Office Action was mailed July 29, 2004. In a response to the Final Office Action filed, with a Request for Continued Examination on April 28, 2005, claims 1-2, 5-6, 8-9, 13, 19, 25-26, 30, 39, 45, 47, 48, and 56-60 were amended and claims 3 and 4 were canceled. A non-final Office Action was mailed July 15, 2005 rejecting all pending claims 1-2 and 5-60. Applicant notes that Office Action was mailed July 15, 2005 incorrectly lists the claim 3 as pending and claim 5 as canceled. Thus, Claims 1-2 and 5-60 stand twice rejected, remain pending, and are the subject of the present appeal.

#### **4. STATUS OF AMENDMENTS**

No amendments have been made subsequent to the Office Action dated July 15, 2005.

## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

Many national television and radio programs are distributed to local broadcasting stations through an arrangement of syndication in the form of either live or recorded feeds. These feeds include program content with breaks for the insertion of local commercials, news highlights, station identification or other localized information. Under the syndication arrangement, the local television and radio stations purchase the national program content and may broadcast, or re-broadcast the program feed with inserted localized content to an agreed upon geographic area. Page 1, lines 7-14.

Syndication agreements are founded on a simple principle: National content produced or hosted by entertainment industry superstars attract large audiences. Local stations do not have the resources to hire superstars and produce high-budget shows on their own so syndicators produce the big name shows and resell the feed, or content, to local stations for broadcast to an agreed upon geographic area. Local stations, in turn, purchase this content with the intent of attracting a large audience, which attracts a large base of advertisers, which creates a revenue stream to recoup the original cost of purchasing the syndicated content. To protect the purchaser's investment, syndicated shows are necessarily licensed to only one broadcaster in any given geographic market. Page 1, lines 25-24.

As technology progresses and media content distribution moves from traditional analog, radio frequency based broadcasts, to a digital, and inevitably, Internet based broadcast schemes, there is a need for allowing syndicated television and radio shows to be transmitted via the Internet while protecting the interests of the local stations purchasing syndicated content. The strength of a radio or television broadcast currently serves as an automatic enforcer of syndication agreements. Unlike Internet broadcast and distribution technology, radio and television signals have a range limited by output power and topography. The ever-increasing power of the Internet as a tool for distributing both audible and visual information is a strong catalyst for the inevitable convergence of the traditional television with the personal computer. Page 1, line 28 – page 2, line 7.

One contribution of the present application is the ability to preserve conventional broadcast agreements while distributing media packages over the Internet. Page 2, lines 26-28. In some embodiments, the integrity of the conventional broadcast agreements is preserved by selecting advertisements based in part on the distribution restrictions of the syndication broadcast agreements. Page 3, lines 7-15. At a conceptual level, the systems and methods of the present claims dynamically build a media package based on who, i.e., the user localizing data, requested the media package in view of the distribution restrictions. Page 9, line 28 – page 10, line 3.

In some embodiments, the presently claimed subject matter refers to a system (FIG 2, page 8, line 15) for exposing Internet users to advertisements together with the distribution of syndicated media content that is subject to distribution restrictions (page 9, lines 12-14 and page 10, lines 5-7). This system includes a processor ( FIG 2, 202 and page 9, line 16), a memory device coupled to the processor (FIG 2, 204 and page 9, line 16), and software (FIG 2, 203 and page 9, line 15) operable on the processor 202 and memory device 204. The software 203 causes the system to maintain a database of syndicated media content that is subject to distribution restrictions (page 10, lines 3-6, line 30, page 11, lines 1-2) and obtain a user specific set of data prior to distributing a media package to an Internet user (page 9, lines 17-19). The software means further causes the system to select a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data in relation to the information representative of syndication broadcast agreements (page 9, lines 19-21) and combine the selected number of advertisements with a requested set of media content to form the media package (page 9, lines 23-25).

Thus, various embodiments provide systems and methods to expose Internet users to advertisements together with the distribution of media content in a manner which is germane to syndicated broadcast agreements. Abstract. These embodiments preserve geographic distribution boundaries defined in the syndicated broadcast agreements by identifying a relevant location of a user and providing geographically appropriate advertisements based on the user location and the syndicated broadcast agreements.



## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-2 and 5-60 were rejected under 35 U.S.C. § 103(a) as being obvious over Logan et al. (U.S. Patent No. 5,721,827; hereinafter “Logan”) in view of Ginter et al. (U.S. Patent No. 5,892,900; hereinafter “Ginter”) and further in view of Internet Distributors (NPL).

## **7. ARGUMENT**

Appellant respectfully traverses the 35 U.S.C. § 103(a) rejection because the *prima facie* case of obviousness in the Office Action is deficient. For example, there is no likelihood of success in combining Internet Distributors with Logan and Ginter because the combination of references would render the systems and methods of the present claims inoperable. Further, the combination of references fails to teach or suggest all of the claim elements and the combination of references is based upon impermissible hindsight.

### **1) Applicable Law**

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. In *re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). As part of establishing a *prima facie* case of obviousness, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." In *re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so."

*Id.* (emphasis in original).

The M.P.E.P. adopts this line of reasoning, stating that

"In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In *re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991))". *M.P.E.P. § 2142*.

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. In *re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), reh'g denied, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990). Further, the Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. In *re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). Finally, the Examiner must avoid hindsight. In *re Bond* at 834.

A factor cutting against a finding of motivation to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill upon reading a reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. In *re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); In *re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237,244 (C.C.P.A. 1969); In *re Caldwell*, 319 F. 2d 254,256, 138 USPQ 243, 245 (C.C.P.A 1963). Moreover, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In *re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP §2143.01. Additionally, the fact that a reference teaches away from a claimed invention is highly probative that the reference would not have rendered the claimed invention

obvious to one of ordinary skill in the art. *Stranco Inc. v. Atlantes Chemical Systems, Inc.*, 15 USPQ2d 1704, 1713 (Tex. 1990).

**2) The rejection of claims 1-3 and 6-60 under 35 U.S.C. § 103(a) as being obvious over Logan in view of Ginter and further in view of Internet Distributors**

Appellant respectfully traverses the 35 U.S.C. § 103(a) rejection because the prima facie case of obviousness in the Office Action is deficient. For example, there is no likelihood of success in combining Internet Distributors with Logan and Ginter because the combination of references would render the systems and methods of the present claims inoperable. Further, the combination of references fails to teach or suggest all of the claim elements and the combination of references is based upon impermissible hindsight.

**a. The Combination of Logan, Ginter, and Internet Distributors Fails to Teach or Suggest all of the Claim Elements**

Logan, Ginter, and Internet Distributors fail to teach or suggest all of the elements of independent claims 1, 9, 19, 25, 30, 39, 45, 47, 48, 51 and 56. For example, although Logan includes selecting advertisements based on a user specific set of data, which can include a zip code (*See* col. 9, lines 39-43), it fails to teach or suggest selecting advertisements based on “localizing data of the user specific set of data *and the syndicated media content distribution restrictions*” as in claim 1. *Emphasis added.* The other independent claims include a similar element to claim 1.

The Office Action acknowledges the deficiency of Logan regarding the syndicated media content distribution restrictions, but provides Ginter to show distribution restrictions. However, Ginter fails to use its control and usage information (*See* col. 12, lines 11-12; col. 63 lines 36-39; FIG. 7) in combination with the user specific data set for the selection of advertisements as claimed.

The Office Action further acknowledges that Logan and Ginter fail to contemplate syndication broadcast agreements, but provides Internet Distributors to show such agreements. Appellant respectfully submits that the syndication agreement of

Internet Distributors does not allow for a selection of advertisements based in part on the syndicated media content distribution restrictions. The syndication agreements of Internet Distributors are agreements solely for broadcasting on the Internet. All distribution restriction references within Internet Distributors are in the context of being restricted to Internet distribution. Thus, because all requests for content from the Internet Distributors system come from the Internet and because the syndication restriction limits distribution to the Internet, the Internet Distributors system need not consider distribution restrictions because the only mode of delivery of the content is the Internet. This eliminates the need for, or any possibility of, selecting the advertisements based in part on the distribution restrictions because distribution is limited by only one restriction, on the Internet. There is no teaching of alternative distribution restrictions to select from. Thus, because there are no alternative distribution restrictions to select from, there can be no selection of advertisements based in part on distribution restrictions.

Therefore, Appellant respectfully submits that there is no teaching of a selection of advertisements based even in part on distribution restrictions in any of Logan, Ginter, or Internet Distributors. Thus, the combination of Logan, Ginter, and Internet Distributors fails to teach or suggest all of the claims limitations of all of the independent claims 1, 9, 19, 25, 30, 39, 45, 47, 48, 51 and 56.

Appellant respectfully submits that independent claims 9, 19, 39, 45, and 47-48 are further patentable because the combination of references fails to teach or suggest “selecting an appropriate geographic group of advertisements based on the obtained localizing data in relation to the distribution restrictions of the syndicated content” of claim 9 and similarly claimed in claim 39. However, the Office Action asserts, in paragraph 7 on page 3 while rejecting claims 9 and 39, that Logan teaches selecting geographically appropriate advertisements based on the obtained localizing data at col. 9, lines 27-29. Appellant respectfully traverses this assertion.

Logan at col. 9, lines 27-29, and the paragraph of which it is a part, describes associating advertisements by subject matter categories. For example, airline advertisements associated with travelogue programs and the ads of a particular resort

associated with a travelogue program discussing the region where the resort is located. This is in contrast to selecting advertisements based on where the requestor is located as defined by the localizing data. Selecting an appropriate geographic group of advertisements, as described in the present application, includes selecting regional and national advertisements based on the localizing data of the user specific set of data and distribution restrictions of the syndicated content. *See* page 15, lines 24-31. Thus, because Logan selects ads based on subject matter and not geographically appropriate advertisements based on localizing data of the user, independent claims 9 and 39 are further distinguishable over Logan. Thus, because Ginter and Internet Distributors do not include such a teaching, Appellant respectfully submits that independent claims 9, 19, 39, 45, and 47-48 are further patentable over the combination of references.

Thus, Appellant respectfully submits that independent claims 1, 9, 19, 25, 30, 39, 45, 47, 48, 51 and 56 are patentable over the combination of Logan, Ginter, and Internet Distributors because the combination fails to teach or suggest selecting advertisements based on a combination of a user location and syndicated media content distribution restrictions. Appellant also submits that claims 9, 19, 39, 45, and 47-48 are further patentable because the combination of references fails to teach or suggest selecting an appropriate geographic group of advertisements.

Claims 2, 5-8, 10-18, 20-24, 26-29, 31-38, 40-44, 46, 49-50, 52-55, and 57-60 depend, directly or indirectly, on patentable independent claims 1, 9, 19, 25, 30, 39, 45, 48, 51, and 56, and are patentable over Logan, Ginter, and Internet Distributors for the reasons argued above, and are also patentable in view of the additional elements which they provide. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

*b. The Combination of Internet Distributors with Logan and Ginter Does Not Provide a reasonable Expectation of Success*

The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, not in appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Appellant respectfully submits that one of skill in the art would not have a reasonable expectation of success in reaching the invention(s) of the present claims when combining Internet Distributors with Logan and Ginter.

The syndication agreement of Internet Distributors is directed solely toward Internet Syndication and not conventional syndicated broadcast agreements as in the context of the claims. Appellant respectfully submits that the syndication agreement of Internet Distributors would make the systems and methods of the present claims inoperable, and thus, fails to provide one of skill in the art a reasonable expectation of success.

For example, one contribution of the present application is the ability to preserve conventional broadcast agreements while distributing media packages over the Internet. In some embodiments, such as in claim 1, the integrity of the conventional broadcast agreements is preserved by selecting advertisements based in part on the distribution restrictions of the syndication broadcast agreements. At a conceptual level, the systems and methods of the present claims dynamically build a media package based on who, i.e., the user localizing data, requested the media package in view of the distribution restrictions. Thus, for the systems and methods of the present claims to be operable, there must distribution restrictions to distinguish between at least some requestors to make the selection of the number of advertisements.

However, the distribution restriction of Internet Distributors is only the Internet in general. Thus, Internet Distributors distributes static content based on where the content is requested from (i.e., television show websites) rather than by who requested it. *See* Internet Distributors, page 1 (first paragraph under the heading "Internet Distributors Implements Innovative Model"). With only a single distribution restriction, Internet Distributors fails to distinguish between users at least because there is no mechanism in the syndication agreement to use in selecting advertisements to distribute to a user.

Thus, a person of skill in the art would not use the syndication agreement of

Internet Distributors to reach the presently claimed invention because it does not provide a mechanism to use in selecting a number of advertisements. Appellant respectfully submits that the syndication agreement of Internet Distributors would render the systems and methods of the present claims inoperable by being unable to distinguish between users in selecting advertisements. Thus, because combining the Internet Distributors with Ginter and Logan would prevent the presently claimed systems and methods from distinguishing between users to select advertisements, there is no reasonable expectation of success.

*c. The Combination of Logan, Ginter, and Internet Distributors is based on Impermissible Hindsight Because the References Fail to Address the Problem Solved by the Present Claims*

When selecting references for use in making a 35 U.S.C. § 103(a) rejection, the examiner cannot use an appellant's disclosure as a template for selecting references to combine. The motivation to combine the references must come from the prior art and not appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Appellant respectfully submits that the combination of Logan, Ginter, and Internet Distributors is based upon impermissible because the problem solved by the invention(s) of the present claims is not found anywhere in the references of record.

The problem solved by the present claims is created by distribution of syndicated media content over the internet in an unchecked manner. For example, if a syndicated television show is broadcast over the internet without the benefit of the present disclosure, the syndication rights of local television station franchisees are diminished. The advertising revenue ability of the local television station from a broadcast of local ads with the syndicated television show is adversely affected by the Internet broadcast. Further, global broadcasting of syndicated media content by one franchisee of the syndicated media content on the Internet can be in violation of syndication broadcast agreements because such agreements generally limit the franchisee to broadcasting in a



limited geographic region. Violation of the geographic restrictions of syndication agreements is detrimental to both the owner of the syndicated content and the franchisees because the value of the advertisement space is diminished which lessens the franchisee revenue stream and the amount franchisees are willing to pay for the syndicated media content.

This problem is solved by the invention(s) of the present claims by selecting advertisements for placement within the syndicated media content through use of the user localizing data and the syndicated media content distribution restrictions. This allows for global broadcasting of syndicated content on the Internet while preserving franchisee advertising revenue.

This problem is not solved, or addressed, by the other references of record. For example, Logan selects advertisements based on subject matter of viewed content, such as advertisements having subject matter relevant to a viewed travel program, the users address, or an identified interest of the user. *See* col. 9, line 23 – col. 10, line 5. Thus, Logan addresses a problem related to subject matter interests of the user and not to preserving syndication broadcast agreement distribution restrictions and franchisee revenue streams. Thus, Logan provides no motivation to solve the problems addressed by the present application.

Ginter solves a problem related to preserving electronic rights, but has not reference to advertising in any manner. *See* Abstract. Thus, Ginter provides no motivation, or the slightest suggestion, of the problems addressed by the present application.

Internet Distributors appears to be of the type of system discussed above of globally broadcasting syndicated media content over the Internet without regard to franchisee rights. Thus, Internet Distributors, rather than solving the problems addressed by the present application, creates a need for the solution of the presently claimed invention(s).

Thus, absent any recognition of the problem addressed by the present claims and a reference that creates a problem solved by the present claims, it appears the Office Action

is using impermissible hindsight in combining the references. Thus, appellant respectfully submits that there is no motivation to combine the references.

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*d. Conclusion*

Thus, Appellant respectfully submits that the prima facie case of obviousness is improper because the combination of references fails to teach or suggest the entirety of the claims, there is no likelihood of success in combining the references, and the combination of references is founded upon impermissible hindsight. Therefore, Appellant requests the Board reverse the 35 U.S.C. § 103(a) rejection and allowance of claims 1-2 and 5-60.

## 8. SUMMARY

It is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established. Therefore, it is respectfully requested that the rejection of Claims 1-2 and 5-60 be overturned. Appellant further submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to contact Appellant's Attorney, Steven W. Lundberg, at 612-373-6902, if prosecution will be assisted thereby.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of March, 2006.

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Signature

## CLAIMS APPENDIX

1. A system for exposing Internet users to advertisements together with the distribution of media content in a manner which is germane to conventional syndicated broadcast agreements, comprising:
  - a processor;
  - a memory device coupled to the processor; and
  - software operable on the processor and memory device to cause the system to:
    - maintain a database of syndicated media content, wherein the syndicated media content is subject to distribution restrictions;
    - obtain a user specific set of data prior to distributing a media package to an Internet user, wherein the user specific set of data includes localizing data;
    - select a number of advertisements from a data bank containing a plurality of advertisements based on the localizing data of the user specific set of data and the syndicated media content distribution restrictions; and
    - combine the selected number of advertisements with a requested set of syndicated media content to form the media package.
2. The system of claim 1 wherein the software is further operable to distribute the media package to the Internet user.
5. The system of claim 1 wherein the set of syndicated media content is selected from the group consisting of syndicated radio content, syndicated print content, and syndicated television content.
6. The system of claim 1 wherein combining the selected number of advertisements with a requested set of syndicated media content includes combining the selected number of advertisements in a manner such that the selected number of advertisements are displayable as a number of frames on an Internet site.

7. The system of claim 1 wherein selecting the number of advertisements includes selecting at least one advertisement having a link to a website sponsoring the at least one advertisement.

8. The system of claim 1 wherein combining the selected number of advertisements with a requested set of syndicated media content includes combining the selected number of advertisements in a manner such that the selected number of advertisements are displayable during a number of breaks in the requested syndicated media content.

9. A system for exposing Internet users to advertisements together with the distribution of media content in a manner which is germane to conventional syndicated broadcast agreements, comprising:

- a processor;

- a memory device coupled to the processor; and

- software operable on the processor and memory device to cause the system to:

- maintain a database of syndicated content, wherein the syndicated content is subject to distribution restrictions represented in the database;

- obtain a user specific set of data, including localizing data, prior to distributing a media package;

- select a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data in relation to the distribution restrictions of the syndicated content;

- combine the selected number of advertisements with a requested set of media content to form the media package; and

- distribute the media package.

10. The system of claim 9 wherein obtaining a user specific set of data, including localizing data, includes obtaining the localizing data from a positioning system having location information on a mobile Internet user.

11. The system of claim 9 wherein obtaining a user specific set of data, including localizing data, includes obtaining the user specific set of data from an Internet Service Provider (ISP).

12. The system of claim 9 wherein obtaining a user specific set of data includes a user specific set of data consisting of user demographic data, user physical data, and user psychographic data.

13. The system of claim 12 wherein the software is further operable to select the number of advertisements as a collaborative filter to relationally select the number of advertisements based on the user specific set of data.

14. The system of claim 9 wherein obtaining the user specific set of data includes querying a computer being used by the Internet user to receive Internet content and retrieving the user specific set of data therefrom.

15. The system of claim 9 wherein combining the selected number of advertisements with a requested set of media content includes combining the selected number of advertisements with a set of syndicated media content.

16. The system of claim 15 wherein the set of syndicated media content is selected from the group consisting of syndicated radio content, syndicated print content, and syndicated television content.

17. The system of claim 9 wherein selecting the number of advertisements includes selecting a number of advertisements appropriate for a given time frame.

18. The system of claim 17 wherein selecting a number of advertisements appropriate for a given time frame includes allowing subsequent advertisements from a common originator to supersede prior advertisements.

19. A system for exposing Internet users to advertisements, comprising:

- a processor;
- a memory device coupled to the processor; and
- software operable on the processor and memory device for:
  - maintaining a database of information representative of distribution restrictions for syndicated media content;
  - obtaining a user specific set of data, including localizing data, prior to distributing a media package to an Internet user;
  - selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the distribution restrictions for the syndicated media content;
  - combining the selected number of advertisements with a requested set of syndicated media content to form the media package; and
  - distributing the media package to the Internet user, wherein the requested set of syndicated media content includes a set of media content which has been previously distributed.

20. The system of claim 19 wherein obtaining a user specific set of data, including localizing data, includes obtaining the user specific data set of data from a data bank containing a plurality of driver's license information.



21. The system of claim 19 wherein obtaining a user specific set of data, including localizing data, includes obtaining the user specific set of data from a data bank containing a plurality of credit card holder information.

22. The system of claim 19 wherein selecting a number of advertisements from a data bank includes selecting a number of advertisements from a group consisting of regional advertisements and national advertisements.

23. The system of claim 19 wherein selecting a number of advertisements from a data bank includes selecting the advertisements from a data bank maintained by a group consisting of a national syndicated show producer, a regional broadcasting station, and an advertisement producer.

24. The system of claim 19 wherein selecting a number of advertisements from a data bank includes selecting a number of advertisements created from a number of sources, the number of sources consisting of an audio/video advertisement producer, a print media advertisement producer, and an Internet advertisement producer.

25. A system for exposing Internet users to advertisements together with the distribution of syndicated media content in a manner which is germane to conventional syndicated broadcast agreements, comprising:

a network including a regional broadcast station, an advertisement producer, a national producer of syndicated media content, and an Internet site adapted to distributing syndicated media content;

a server, having processor and memory capabilities, operatively coupled to the network;

and

software operable on the server and network for:  
maintaining a database of information representative of distribution restrictions of syndication broadcast agreements for the syndicated media content;

- 
- obtaining localizing data on an Internet user, prior to distributing syndicated media content to the Internet user;
- selecting a number of advertisements from a data bank containing a plurality of advertisements based on the obtained localizing data and the distribution restrictions of the syndication broadcast agreements for the syndicated media content;
- combining the selected number of advertisements with a set of syndicated media content to form a media package; and
- distributing the media package to the Internet user.
26. The system of claim 25 wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the localizing data and the information representative of the distribution restrictions of syndication broadcast agreements for the syndicated media content.
27. The system of claim 26 wherein the appropriate group of advertisements includes advertisements selected from the group consisting of regional advertisements and national advertisements.
28. The system of claim 25 wherein the set of syndicated media content includes a set of media content that has been previously distributed.
29. The system of claim 25 wherein obtaining localizing data on the Internet user includes obtaining the localizing data from a positioning system having location information for a mobile Internet user.
30. A method of exposing Internet users to specific advertisements, comprising:
- maintaining a database of information representative of distribution restrictions of syndication broadcast agreements;
- obtaining a user specific set of data prior to distributing a media package;

selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data and the information representative of distribution restrictions of syndication broadcast agreements;

combining the selected number of advertisements with a requested set of media content to form the media package; and

distributing the media package.

31. The method of claim 30 wherein obtaining the user specific set of data includes obtaining a set of localizing data for an Internet user.

32. The method of claim 30 wherein obtaining the user specific set of data includes obtaining demographic data for an Internet user.

33. The method of claim 30 wherein selecting the number of advertisements includes selecting a number of geographically tagged advertisements.

34. The method of claim 30 wherein combining the selected number of advertisements with a requested set of media content to form the media package includes integrating the number of advertisements with the requested set of media content.

35. The method of claim 30 wherein combining the selected number of advertisements with a requested set of media content to form the media package includes providing links to other Internet sites, embedded in the media package, for allowing the Internet user to visit other Internet sites to learn more information relating to the number of selected advertisements.

36. The method of claim 30 wherein obtaining a user specific set of data includes requiring an Internet user to supply the data.

37. The method of claim 30 wherein obtaining the user specific set of data includes accessing a computer being used by an Internet user to receive Internet content and retrieving the user specific set of data therefrom.

38. The method of claim 30 wherein obtaining the user specific set of data includes obtaining the user specific set of data from an Internet Service Provider (ISP).

39. A method of exposing an Internet user to advertisements together with the distribution of requested media content, comprising:

- obtaining a user specific set of data, including localizing data, prior to distributing a media package; and

- selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes:

- maintaining a database of information representative of syndication broadcast agreement distribution restrictions;

- selecting an appropriate geographic group of advertisements based on the obtained localizing data and to the information representative of syndication broadcast agreement distribution restrictions;

- combining the selected number of advertisements with a requested set of media content to form the media package; and

- distributing the media package to an Internet user.

40. The method of claim 39, wherein selecting the number of advertisements includes selecting a number of advertisements appropriate for a given time frame.

41. The method of claim 39 wherein selecting a number of advertisements from a data bank includes selecting a number of advertisements from a group consisting of regional advertisements and national advertisements.

42. The method of claim 39 wherein selecting a number of advertisements from a data bank includes selecting the advertisements from a data bank maintained by a group consisting of a national syndicated show producer, a regional broadcasting station, and an advertisement producer.

43. The method of claim 39 wherein selecting a number of advertisements from a data bank includes selecting a number of advertisements created from a number of sources, the number of sources consisting of an audio/video advertisement producer, a print media advertisement producer, and an Internet advertisement producer.

44. The method of claim 39 obtaining a set of user specific data, including localizing data, includes obtaining the localizing data from a positioning system having location information on the Internet user.

45. A method for exposing Internet users to advertisements, comprising:  
maintaining a database of information representative of media content distribution restrictions;

obtaining a set of user specific set of data, including localizing data, prior to distributing a media package;

selecting a number of advertisements from a data bank containing a plurality of advertisements based on the user specific set of data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the media content distribution restrictions;

combining the selected number of advertisements with a requested set of media content to form the media package; and

distributing the media package, wherein the requested set of media content includes a set of media content which has been previously distributed.

46. The method of claim 45 wherein combining the selected number of advertisements with a requested set of media content includes combining the selected number of advertisements with a set of syndicated media content.

47. A method for exposing Internet users to advertisements together with the distribution of syndicated media content in a manner which is germane to conventional syndicated broadcast agreements, comprising:

maintaining a database of information representative of distribution restrictions for syndicated media content;

obtaining localizing data on an Internet user requesting syndicated media content;

selecting a number of advertisements from a data bank containing a plurality of advertisements based on the obtained localizing data, wherein selecting the number of advertisements includes selecting an appropriate geographic group of advertisements based on the obtained localizing data and the information representative of the distribution restrictions for the syndicated media content;

combining the selected number of advertisements with a requested set of syndicated media content to form a media package; and

distributing the media package to the Internet user.

48. A method for exposing Internet users to advertisements together with the distribution of syndicated media, comprising:

maintaining a database of distribution restrictions for syndicated media content;

obtaining localizing data on an Internet user requesting syndicated media content;

and

determining an appropriate source for distributing a media package, the media package including the requested media content and an appropriate geographic group of advertisements based on the obtained localizing data and the distribution restrictions for the syndicated media content.

49. The method of claim 48, wherein the method further includes directing the Internet user to an appropriate Internet address for the appropriate media package source.

50. The method of claim 48, wherein the appropriate geographic group of advertisements based on the obtained localizing data includes appropriate geographic advertisements selected from the group consisting of regional retail advertisements, national retail advertisements, and regional informational advertisements.

51. A method comprising:  
maintaining a database of syndicated content;  
maintaining data representative of syndication rights for the syndicated content in syndication markets;  
maintaining a database of advertisements;  
receiving a request for syndicated media content from a requestor;  
obtaining requestor specific data;  
selecting advertisements from the database of advertisements based on the data representative of syndication rights and the requestor specific data; and  
combining selected advertisements and requested content for distribution to the requestor.

52. The method of 51, further comprising:  
distributing combined selected advertisements and requested content to the requestor.

53. The method of 51, wherein the requestor specific data includes data indicative of the requestor's geographic location.

54. The method of 51, wherein the advertisements selected are specified by a syndication entity.

55. The method of 54, wherein the syndication entity is an entity controlling distribution rights in a particular area.

56. A system comprising:

a processor;

a memory device coupled to the processor; and

software operable on the processor for:

maintaining a database of syndicated content,

maintaining data representative of distribution rights for the syndicated content in syndication markets,

maintaining a database of advertisements,

receiving a request for syndicated media content from a requestor,

obtaining requestor specific data,

selecting advertisements from the database of advertisements based on the data representative of distribution rights and the requestor specific data, and

combining selected advertisements and requested content for distribution to the requestor.

57. The system of claim 56, wherein the software is further operable on the processor for:

distributing combined selected advertisements and requested content to the requestor.

58. The system of claim 56, wherein the requestor specific data of the software includes data indicative of the requestor's geographic location.

59. The system of 56, wherein the advertisements selected by the software are specified by a syndication entity.



60. The system of 59, wherein the syndication entity of the software is an entity controlling distribution rights in a particular area.

## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.